

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

LISA AND MARK BUTTERLINE, on  
behalf of themselves and all other similarly  
situated,

Plaintiff

v.

NO. 15-01429-JS

THE BANK OF NEW YORK MELLON TRUST  
COMPANY, NATIONAL ASSOCIATION fka  
The Bank of New York Trust Company, N.A. as  
successor to JPMorgan Chase Bank, N.A., as  
Trustee for Residential Asset Mortgage Products,  
Inc., Mortgage Asset-Backed Pass-Through  
Certificates, Series 2005-RP1 i/p/a Bank of New  
York Trust, Co.  
700 S. Flower Street, Ste. 200  
Los Angeles, CA 90017

Defendants

**SECOND AMENDED CLASS ACTION COMPLAINT**

**I. PARTIES**

1. Plaintiffs, Lisa and Mark Butterline (“Plaintiffs”) are citizens of Pennsylvania. Currently, Lisa Butterline resides at 32 Briaroot Lane, Levittown, Pennsylvania 19054 and Mark Butterline resides at 7310 Loretto Avenue, Philadelphia, Pennsylvania 19111. During the relevant period of this Second Amended Class Action Complaint the Plaintiffs owned property and resided in Philadelphia County, Pennsylvania.

2. Defendant, The Bank Of New York Mellon Trust Company, National Association fka The Bank of New York Trust Company, N.A. as successor to JPMorgan Chase Bank, N.A., as Trustee for Residential Asset Mortgage Products, Inc., Mortgage Asset-Backed Pass-Through

Certificates, Series 2005-RP1 i/p/a Bank of New York Trust, Co. (“Bank” or “Defendant”), is incorporated in New York and a citizen of New York. Bank of New York is located at 700 S. Flower Street, Ste. 200, Los Angeles, CA 90017.

### **Other Relevant Actors**

3. The City of Philadelphia (“City”) is a political subdivision of Pennsylvania located entirely within and comprising all of Philadelphia County and with offices at 100 S. Broad Street, Philadelphia, PA 19110.

4. The Philadelphia Sheriff’s Office (the “Sheriff’s Office”), is an entity of the City of Philadelphia having its offices at 100 S. Broad Street, 5<sup>th</sup> Floor, Philadelphia, Pennsylvania 19110.

## **II. VENUE**

5. Venue is proper in this Court because all transactions occurred in Philadelphia County, which is located in the Eastern District of Pennsylvania. Venue is proper pursuant to 28 U.S.C. § 1391(e)(2).

## **III. JURISDICTION**

6. Subject matter jurisdiction is proper in this District under 28 U.S.C. §1331. Further, this action exceeds \$5 million in damages. Moreover, Defendant personally availed itself of jurisdiction in Pennsylvania.

## **IV. RELEVANT FACTS**

7. Plaintiffs owned a property located at 2713 East Huntingdon Street, Philadelphia, Pennsylvania 19125 (the “Home”).

8. Plaintiffs suffered financial distress due to loss of employment and illnesses and were unable to maintain payment on their mortgage for their Home.

9. Because of the failure to meet the requirements of the mortgage, the Bank, the mortgagee, filed a complaint for mortgage foreclosure on the Home on November 15, 2007 in Philadelphia County Court of Common Pleas.

10. On April 23, 2009, after litigation and the foreclosure process, the Bank filed an Order for Judgment against Plaintiffs in the amount of \$62,764.79. A true and correct copy of the Order for Judgment and accompanying documents are attached hereto and made a part hereof and marked as Exhibit "A".

11. Thereafter, the Bank filed a Praecipe for Writ of Execution and Writ of Execution listing Plaintiffs' Home for sheriff's sale. A true and correct copy of the Praecipe and Writ of Execution are attached hereto made a part hereof and marked as Exhibit "B".

12. Subsequently, Plaintiff's Home was listed by the Sheriff's Office for sheriff's sale on November 1, 2011.

13. Prior to the said November sheriff's sale, and as required by Pa. R. Civ. P. 3129.2(d), the Sheriff's Office advertised the sale, advising the public and the Plaintiffs that, in the event of active bidding, the highest bidder would be required to post certain costs at the time of sale, with the balance of the purchase money to be deposited to the Sheriff at his office within 30 days from the date of sale.

14. After competitive bidding from third parties on the property, the Bank had the highest bid for the Home at \$93,000.

15. On July 23, 2012, the Home was deeded from the Sheriff's Office to the Bank for consideration in the amount of \$93,000 (the "Purchase Price"). A true and correct copy of the Deed is attached hereto made a part hereof and marked as Exhibit "C" (the "Deed"). This Deed eliminated Plaintiffs' equity and ownership interest in the Home.

16. However, the Bank never paid the \$93,000 Purchase Price for the Home, but was only required to pay the outstanding costs on the Home owed to the City that totaled \$16,291.11 (the "Costs"). In fact, upon information and belief, the Bank only had to pay an additional \$3,045 to the Sheriff's Office after the above judgment was entered to satisfy the Costs. More importantly, the Sheriff's Office never filed a Schedule of Distribution identifying who was to be paid and what amount of the proceeds from the sheriff sale on the Home. For the record, the Schedule of Distribution is a list of the liens on any property sold at sheriff's sale that is required by statute to be kept on file and available for inspection in the Sheriff's Office any time a property is sold to the plaintiff for its judgment only. Pa. R.C.P. 3136(a). Attached hereto and made a part hereof and marked as Exhibit "D" is a printout from the Sheriff's Office listing the distributions from the sale of the Home.

17. The Sheriff's Office acknowledges that it is their policy in a sale of a property such as the Home herein not to collect the full Purchase Price but only the Costs owed to the City. Attached hereto and made a part hereof and marked as Exhibit "E" is a December 18, 2014 letter setting forth such policy.

18. According to the Sheriff's Office, when the bank wins the bid at the sheriff's sale, the bank will not pay the full amount of the bid. The bank will only pay taxes owed to the Sheriff's Office, which include water bill, transfer tax, Sheriff's Office costs, etc. See Exhibit "F" for December 24, 2014 letter explaining such, attached hereto and made a part hereof. Whereas, when the winning bidder at a sheriff's sale is a third party and not the executing creditor, like the Bank herein, the Sheriff's Office retains the amount of the purchase price exceeding the judgment plus the costs. In fact, the Sheriff's Office only distributes those excess funds to the owner upon application, known as a Defendant Asset Recovery Claim ("DART"), if

one is made, and without ever alerting the owner of property of the availability of the excess funds to which the owner is entitled.

19. In December 2014, Plaintiffs filed a DART, pursuant to the Sheriff's Office's local rules, requesting the excess funds obtained during the sheriff's sale of their Home. However, on December 18, 2014 the City rejected Plaintiffs' DART, stating that when the plaintiff/bank, such as the Defendant herein, takes a property in foreclosure in a sheriff's sale it is only required to pay costs owed and that, therefore, there were no surplus funds. As such, Plaintiffs now bring this action to recover from the Bank the excess funds that should have been properly paid to them.

## **V. SUMMARY OF LAW**

20. Pursuant to the Pennsylvania Rules of Civil Procedure 3136, when a property is sold at a sheriff's sale due to a foreclosure, the Sheriff's Office shall prepare a Schedule of Proposed Distribution of Proceeds of the sale, which shall be kept on file and also be available for inspection at the Sheriff's Office, unless the property is sold to the foreclosing plaintiff for its costs only. Pa.R.Civ.P. No. 3136(a).

21. Pursuant to the Pennsylvania Rules of Civil Procedure 3136(d), all monies obtained through the Sheriff's Sale should be distributed pursuant to the Schedule of Distribution.

22. To the contrary, and in violation of Pennsylvania law, the Bank only paid the outstanding costs on the Home owed to the City instead of the full Purchase Price and, thus, the excess funds to which Plaintiffs were legally entitled were not available for distribution.

23. However, under clear Pennsylvania law, when a homeowner's property goes into foreclosure and the bid accepted by the Sheriff's Office exceeds the judgment and the

outstanding costs and/or liens on the property, the foreclosed homeowner is entitled to the excess funds from the sheriff's sale. See *In Re: Sheriff's Excess Proceeds Litigation*, 98 A.3d 706, fn. 2 (Cmwlth. Ct. 2014).

24. Here, the Bank agreed to purchase the Home for \$93,000; well in excess of the Bank's judgment in the amount of \$62,764.79 and the Sheriff's costs of \$16,291.11, and leaving excess funds due to the Plaintiffs of approximately \$13,944.11.

25. By paying the costs only, however, the Bank has damaged foreclosed homeowners from receiving any excess funds from the sheriff's sale as entitled to them under Pennsylvania law.

26. Moreover, the Bank herein was a party and the promisor in the agreement with the City deeding the Plaintiffs' property following the Sheriff Sale.

27. The terms of such agreement clearly state, among other things, that \$93,000 was the consideration for the transfer of the property.

28. As required by such agreement and the law, the City was to file a schedule of distribution of the proceeds from the sale of the property since, as the Bank was aware, there were excess funds.

29. However, the Bank breached its obligations under the agreement to pay the full Purchase Price for the Home.

30. By breaching its obligations under the agreement, the Bank damaged the third party beneficiaries under such agreement.

31. Indeed, Pennsylvania law clearly supports the existence of such an agreement.

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See *Lal v. Ameriquest Mortg. Co.*, 858 A.2d 119, 124 (Pa. Super. Ct. 2004) ("[O]nce the hammer falls [at a sheriff's sale] and bidding is closed, the winning bidder has entered into a binding

contract and may no longer retract his or her bid.”).

32. Under Pennsylvania law, a nonparty to a contract, such as Plaintiffs herein, is a third party beneficiary of the contract with standing to recover. See *Guy v. Liederbach*, 459 A.2d 744, 751 (Pa. 1983) (quoting Restatement (Second) of Contracts § 302 (1979)).

33. Here, the Bank promised to pay the full Purchase Price for the Home and Plaintiffs may enforce that promise against the Bank.

## **VI. CLASS ACTION ALLEGATIONS**

34. Plaintiffs bring this action pursuant to Rule 23(b)(3) and (b)(2) of the Federal Rules of Civil Procedure on behalf of themselves and the following class:

All individuals or entities whose real property was foreclosed and sold to the Bank at the sheriff sale and who did not recover the excess funds remaining from such sheriff's sale after all liabilities on the real property had been satisfied.

35. This action has been brought and may be properly maintained as a class action under Federal law and satisfies numerosity, commonality, typicality and adequacy requirements for maintaining a class action under Federal Rules of Civil Procedure Rule 23(a).

### **Numerosity**

36. The purposed class is so numerous that individual joinder of all its members is impractical.

37. Upon information and belief, there are hundreds of people who have lost their homes to foreclosure in the City of Philadelphia whose said homes were subsequently purchased by the executing creditor who owned the loan at the sheriff's sale and who did not receive any funds in excess of the liens owed on the foreclosed property.

38. Upon information and belief, joinder of all individuals is impractical because of

the large number of members of the class. In fact, the class members are likely dispersed over a large geographical area with some members presently residing outside of Philadelphia County and this Judicial District.

39. Upon information and belief, many members of the class would likely have difficulty pursuing their rights individually.

### **Common Questions of Law and Fact**

40. Common questions of law and fact exist to all members of the class in that they all had their right to excess funds from a foreclosure sale prevented by the Bank only paying the costs rather than the full purchase price of the winning bid.

41. The common questions of law and fact include but are not limited to:

- a) whether an executing creditor is required to pay the difference between the amount of the winning bid, minus the amount of any proceeds to which the lien creditor is entitled pursuant to Pa. R.C.P. 3133; and
- b) whether the Bank owes Plaintiffs and members of the class money for not paying to the Sheriff's Office the difference between its judgment and the winning bid, which would have included monies payable to the Plaintiff and the class.

### **Typicality**

42. Plaintiffs' claims are typical of the claims of the class since Plaintiffs and members of the class sustained damages arising out of Defendant's common course of conduct. The harms suffered by Plaintiffs are typical of the harms suffered by the class.

### **Adequacy**

43. Plaintiffs are adequate representatives of the class because they have personal interest in the outcome of the action and will fairly and adequately protect the interests of the class. Plaintiffs have no interests that are adverse to the interests of the members of the class



44. Plaintiffs have retained counsel who are substantially experienced and successful in prosecuting class actions and/or are knowledgeable concerning sheriff's sales. The named plaintiffs are being represented by co-lead counsel Daniel C. Levin, Esquire, Levin, Fishbein, Sedran & Berman and Christopher G. Hayes, Esquire, The Law Offices of Christopher G. Hayes and class counsel Michael Louis, Esquire, MacElree Harvey, Ltd and William Wilson, Esquire, Bailey & Ehrenberg PLLC.

45. Plaintiffs know of no conflict between members of the class or between counsel and members of the class.

46. This action, in part, seeks declaratory and injunctive relief. As such, the Plaintiffs seek class certification under Federal Rules of Civil Procedure Rule 23(b)(2) in that all class members are subject to the same conduct of the executing creditor to only pay the costs owed on the property rather than the difference between the executing creditor's judgment as a credit bid pursuant to Pa. R.C.P. 3133 and the winning bid, thereby preventing Plaintiffs and members of the class from receiving excess sums from the sheriff's sale.

47. Common questions of law and fact exist to all members of the class and predominate over any questions that affect only individual class members. These common questions of law and fact include, without limitation, the common and predominate question of whether the Bank only paying liens and costs owed on the property rather than full amount bid prevented Plaintiffs from collecting excess funds that were owed to them when their property was sold at sheriff's sale.

48. Class action is superior to other available methods for the fair and efficient adjudication of this controversy, especially since joinder of all individual members of the class is impracticable given the large number of class members and the fact that they are dispersed over a

large geographical area. Furthermore, the expense and burden of individual litigation would make it difficult or impossible for individual members of the class to redress the wrongs done to them. The cost to the federal court system of adjudicating hundreds of individual cases of this kind would be enormous. Individualized litigation would also magnify the delay and expense of all parties and the court system. By contrast, the conduct of this action as a class action and this District presents far fewer management difficulties, conserves the resources of the parties and the court system and protects the rights of each member of the class.

49. Upon information and belief, there are no other actions pending to address the Defendant's injury to the class.

50. In the alternative, certification under Federal Rules of Civil Procedure Rule 23(b)(3), Plaintiffs also seek partial certification under Federal Rules of Civil Procedure Rule 23(c)(4).

**COUNT I**  
**BREACH OF CONTRACT - THIRD PARTY BENEFICIARY**

51. Plaintiffs incorporate by reference paragraphs 1 through 50 as if fully set forth herein.

52. The Bank entered into a contract with the City and the Sheriff's Office and to purchase Plaintiffs' Home for \$93,000.00.

53. The Plaintiffs' are the intended beneficiary of such contract. In fact, the City specifically states on its website "After a property is sold, settled and all liabilities and debts have been paid and recorded, a defendant (the owner of record at the time the Court ordered the sale) may recover any excess balance remaining on the account..." See Exhibit "G" for copy of website in which the City states that Plaintiffs are the intended beneficiary of the contract.

54. The City and the Sheriff's Office acknowledge that under Pennsylvania law Plaintiffs are entitled to excess funds from sheriff's sale. The City and the Sheriff's Office also acknowledge and state that they make every attempt to reunite homeowners with excess funds from the sheriff's sale; again indicating that Plaintiffs are an intended third party beneficiary to the contract.

55. The Bank's contract with the City and the Sheriff's Office is memorialized in the Deed (a valid contract) for Plaintiffs' Home, which writes "Jewell Williams, Sheriff of the County of Philadelphia and Joseph C. Vignola, Undersheriff of the County of Philadelphia in the Commonwealth of Pennsylvania and in consideration of the sum of \$93,000 be in hand due here by grant and convey the Bank of New York Mellon Trust Co..."; the elements of the contract are clearly stated in the Deed.

56. However, in violation of the clear terms of the contract, the Bank did not pay the City or the Sheriff's Office the \$93,000 Purchase Price as the stated consideration on the Deed. Rather, the Bank paid costs only totaling \$16,291.11. The breach by the Bank to abide by the terms of the contract injured Plaintiffs as the intended beneficiaries of the excess funds contemplated by the contract.

57. As a result of this breach of contract by the Bank, Plaintiffs are entitled to damages as intended third party beneficiaries.

## **VII. DEMAND FOR TRIAL BY JURY**

58. Plaintiffs hereby demand trial by jury.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs and the class are entitled to and pray for the following relief:

- A. An order certifying this action to be maintained as a class action;
- B. A judgment against the Defendant on Plaintiffs first count herein and awarding compensatory and punitive damages, if appropriate, to Plaintiffs and the class in an amount to be determined by the jury and/or the Court on both an individual and class wide basis;
- C. A monetary award of attorney's fees and costs pursuant to Federal Rule of Civil Procedure 23; and
- D. Any and all other relief that this Court deems appropriate.

Respectfully submitted,

Dated: March 31, 2017

/s/ Daniel C. Levin  
Daniel C. Levin, Esquire  
**LEVIN SEDRAN & BERMAN**  
510 Walnut Street, Suite 500  
Philadelphia, PA 19106

Christopher G. Hayes, Esquire  
**THE LAW OFFICE OF CHRISTOPHER G. HAYES**  
225 S. Church Street  
West Chester, PA 19382

William T. Wilson, Esquire  
**BAILEY & EHRENBURG**  
120 N. Church Street, Suite 206  
West Chester, PA 19380

Michael Louis, Esquire  
**MACELREE HARVEY, LTD.**  
17 West Miner Street, PO Box 660  
West Chester, PA 19381

*Attorneys for Plaintiffs*

**CERTIFICATE OF SERVICE**

This is to certify that on this 31<sup>st</sup> day of March, 2017, I have served a true and correct copy of Plaintiffs' Second Amended Complaint upon all counsel of record via the Court's electronic notification system.

/s / Daniel C. Levin  
**DANIEL C. LEVIN, ESQUIRE**

# EXHIBIT A

IN THE COURT OF COMMON PLEAS OF Philadelphia COUNTY  
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
CIVIL TRIAL DIVISION

THE BANK OF NEW YORK TRUST COMPANY,  
N.A., AS SUCCESSOR TO JPMORGAN CHASE  
BANK, N.A., AS TRUSTEE  
3451 Hammond Avenue  
Suite 150  
Waterloo, IA 50702  
Plaintiff

ACTION OF MORTGAGE FORECLOSURE

Term  
No. 071100509

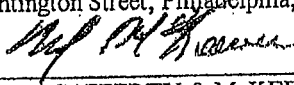
vs.

LISA BUTTERLINE  
MARK S. BUTTERLINE  
Mortgagor(s) and  
Record Owner(s)  
2713 East Huntington Street  
Philadelphia, PA 19125  
Defendant(s)

ORDER FOR JUDGMENT

Please enter Judgment in favor of THE BANK OF NEW YORK TRUST COMPANY, N.A., AS SUCCESSOR TO JPMORGAN CHASE BANK, N.A., AS TRUSTEE and against LISA BUTTERLINE and MARK S. BUTTERLINE for failure to file an Answer in the above action within (20) days, or by agreement if defendant is THE UNITED STATES OF AMERICA, from the date of service of the Complaint, in the sum of \$62,764.79.

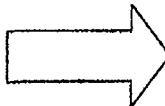
I hereby certify that the above names are correct and that the precise residence address of the judgment creditor is THE BANK OF NEW YORK TRUST COMPANY, N.A., AS SUCCESSOR TO JPMORGAN CHASE BANK, N.A., AS TRUSTEE, 3451 Hammond Avenue Suite 150 Waterloo, IA 50702 and that the name(s) and last known address(es) of the Defendant(s) is/are LISA BUTTERLINE, 2713 East Huntington Street, Philadelphia, PA 19125 and MARK S. BUTTERLINE, 2713 East Huntington Street, Philadelphia, PA 19125.

  
GOLDBECK McCAFFERTY & McKEEVER  
BY: Michael T. McKeever  
Attorney for Plaintiff  
Attorney I.D. #56129  
Suite 5000 - Mellon Independence Center  
701 Market Street  
Philadelphia, PA 19106  
215-627-1322

Case ID: 071100509

CHECK # \_\_\_\_\_

## AFFIDAVIT OF SERVICE

PLAINTIFF/S/ THE BANK OF NEW YORK TRUST COMPANY, N.A., AS SUCCESSOR TO JPMORGAN CHASE BANK, N.A., AS TRUSTEE		COURT NUMBER <b>NOVEMBER 2007 000509</b>
DEFENDANT/S/ LISA BUTTERLINE MARK S. BUTTERLINE		<input checked="" type="checkbox"/> COMPLAINT - MORTGAGE FORECLOSURE <input type="checkbox"/> WRIT OF EXECUTION - MORTGAGE FORECLOSURE <input type="checkbox"/> COMPLAINT - EJECTMENT <input type="checkbox"/> WRIT OF POSSESSION
 <b>SERVE</b>  <b>AT</b>	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVICE <b>MARK S. BUTTERLINE</b>	
	ADDRESS (Street or Road, Apartment No., City, Boro, Twp., State and ZIP Code) <b>2713 East Huntington Street Philadelphia, PA 19125</b>	
SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE:		
ADDRESS OF ATTORNEY FOR PLAINTIFF GOLDBECK McCafferty & McKeever Suite 5000 - Mellon Independence Center 701 Market Street Philadelphia, PA 19106		

EDWARD RAMOS, hereby certifies in accordance with law that he did serve upon above named Defendant a true and correct copy of the above-captioned on the 8th day of November 2007 at 9:03 o'clock A.M., in the following manner:

- ( ☒ ) Defendant(s) personally served.  
( ☒ ) Adult family member with whom said Defendant(s) reside(s).  
Relationship is Co defendant  
( ) Adult in charge of Defendant's residence who refused to give name or relationship.  
( ) Manager / Clerk of place of lodging in which Defendant(s) reside(s).  
( ) Agent or person in charge of Defendant's office of usual place of business.  
( ) \_\_\_\_\_ an officer of said Defendant company.  
( ) POSTED in accordance with Court Order.  
( ) Other \_\_\_\_\_

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock, \_\_\_\_ M., Defendant not found because:

( ) Moved ( ) Unknown ( ) Vacant ( ) Other \_\_\_\_\_

I certify the foregoing to be true and correct.

SWORN TO AND SUBSCRIBED:

SIGNATURE Edward Ramos

Before me this  
of Nov 9

Notary Public

COMMONWEALTH OF PENNSYLVANIA  
2007. PRINT NAME EDWARD RAMOS  
NOTARIAL SEAL  
BARBARA L. HAND, Notary Public  
City of Philadelphia, Phila. County  
My Commission Expires June 19, 2010

55530  
Case ID: 071100509



CHECK # \_\_\_\_\_

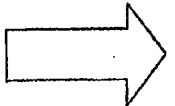
**AFFIDAVIT OF SERVICE**

PLAINTIFF/S/  
**THE BANK OF NEW YORK TRUST COMPANY, N.A., AS SUCCESSOR  
 TO JPMORGAN CHASE BANK, N.A., AS TRUSTEE**

COURT NUMBER  
**NOVEMBER 2007 000509**

DEFENDANT/S/  
**LISA BUTTERLINE  
 MARK S. BUTTERLINE**

☒ COMPLAINT - MORTGAGE FORECLOSURE  
☐ WRIT OF EXECUTION - MORTGAGE FORECLOSURE  
☐ COMPLAINT - EJECTMENT  
☐ WRIT OF POSSESSION

**SERVE****AT**

NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVICE  
**LISA BUTTERLINE**

ADDRESS (Street or Road, Apartment No., City, Boro, Twp., State and ZIP Code)  
**2713 East Huntington Street Philadelphia, PA 19125**

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE:

ADDRESS OF ATTORNEY FOR PLAINTIFF  
**GOLDBECK McCAFFERTY & McKEEVER  
 Suite 5000 - Mellon Independence Center  
 701 Market Street  
 Philadelphia, PA 19106**

**EDWARD RAMOS**, hereby certifies in accordance with law that he did serve upon above named Defendant a true and correct copy of the above-captioned on the 8th day of November, 2007 at 9:03 o'clock A.M., in the following manner:

- ( ☒ ) Defendant(s) personally served.  
 ( ) Adult family member with whom said Defendant(s) reside(s).  
 Relationship is \_\_\_\_\_  
 ( ) Adult in charge of Defendant's residence who refused to give name or relationship.  
 ( ) Manager / Clerk of place of lodging in which Defendant(s) reside(s).  
 ( ) Agent or person in charge of Defendant's office of usual place of business.  
 ( ) \_\_\_\_\_ an officer of said Defendant company.  
 ( ) POSTED in accordance with Court Order.  
 ( ) Other \_\_\_\_\_

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock, \_\_\_\_ .M., Defendant not found because:

( ) Moved ( ) Unknown ( ) Vacant ( ) Other \_\_\_\_\_

I certify the foregoing to be true and correct.

SWORN TO AND SUBSCRIBED:

Before me this \_\_\_\_\_ day of \_\_\_\_\_, 2007:

Notary Public

SIGNATURE Edward Ramos

PRINT NAME **EDWARD RAMOS**  
 COMMONWEALTH OF PENNSYLVANIA

NOTARIAL SEAL  
**BARBARA L. HAND, Notary Public**  
 City of Philadelphia, Phila. County  
 My Commission Expires June 19, 2010

Case ID: 071100509

In the Court of Common Pleas of Philadelphia County

THE BANK OF NEW YORK TRUST COMPANY, N.A., AS  
SUCCESSOR TO JPMORGAN CHASE BANK, N.A., AS  
TRUSTEE  
3451 Hammond Avenue  
Suite 150  
Waterloo, IA 50702

Plaintiff

vs.

LISA BUTTERLINE  
MARK S. BUTTERLINE  
(Mortgagor(s) and Record Owner(s))  
2713 East Huntington Street  
Philadelphia, PA 19125

Defendant(s)

No. 071100509

PRAECIPE FOR JUDGMENT

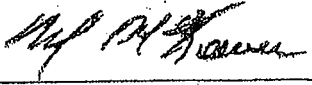
THIS LAW FIRM IS A DEBT COLLECTOR AND WE ARE ATTEMPTING TO COLLECT A DEBT  
OWED TO OUR CLIENT. ANY INFORMATION OBTAINED FROM YOU WILL BE USED FOR THE PURPOSE  
OF COLLECTING THE DEBT.

Enter the Judgment in favor of Plaintiff and against LISA BUTTERLINE and MARK S. BUTTERLINE by default  
for want of an Answer.

I CERTIFY THAT FOREGOING ASSESSMENT OF DAMAGES IS FOR SPECIFIED AMOUNTS ALLEGED TO  
BE DUE IN THE COMPLAINT AND IS CALCULABLE AS A SUM CERTAIN FROM THE COMPLAINT.

(Copy of Assessment of Damages Attached)

I certify that written notice of the intention to file this praecipe was mailed or delivered to the party against whom judgment  
is to be entered and to his attorney of record, if any, after the default occurred and at least ten days prior to the date of the  
filing of this praecipe. A copy of the notice is attached. Pa.R.C.P. 237.1

  
\_\_\_\_\_  
Michael T. McKeever  
Attorney for Plaintiff  
I.D. #56129

AND NOW \_\_\_\_\_, Judgment is entered in favor of THE  
BANK OF NEW YORK TRUST COMPANY, N.A., AS SUCCESSOR TO JPMORGAN CHASE BANK, N.A., AS  
TRUSTEE and against LISA BUTTERLINE and MARK S. BUTTERLINE by default for want of an Answer and damages  
assessed in the sum of \$62,764.79 as per the above certification.

\_\_\_\_\_  
Prothonotary

Case ID: 071100509

OFFICE OF THE PROTHONOTARY

COURT OF COMMON PLEAS  
ROOM 284, CITY HALL, PHILADELPHIA, PA 19107

JOSEPH EVERS

Prothonotary

THE BANK OF NEW YORK TRUST COMPANY,  
N.A., AS SUCCESSOR TO JPMORGAN CHASE  
BANK, N.A., AS TRUSTEE  
3451 Hammond Avenue  
Suite 150  
Waterloo, IA 50702  
Plaintiff

Term

No. 071100509

vs.

LISA BUTTERLINE  
MARK S. BUTTERLINE  
Mortgagor(s) and  
Record Owner(s)

2713 East Huntington Street  
Philadelphia, PA 19125  
Defendant(s)

**THIS LAW FIRM IS A DEBT COLLECTOR AND WE ARE ATTEMPTING  
TO COLLECT A DEBT OWED TO OUR CLIENT. ANY INFORMATION  
OBTAINED FROM YOU WILL BE USED FOR THE PURPOSE OF  
COLLECTING THE DEBT.**

**NOTICE**

Pursuant to Rule 236 of the Supreme Court of Pennsylvania, you are hereby notified that a Judgment has been entered against you in the above proceeding as indicated below:

Joseph Evers  
Prothonotary

☒ Judgment by Default  
☐ Money Judgment  
☐ Judgment in Replevin  
☐ Judgment for Possession  
☐ Judgment on Award of Arbitration  
☐ Judgment on Verdict  
☐ Judgment on Court Findings  
☐ Confession of Judgment

IF YOU HAVE ANY QUESTIONS CONCERNING THIS NOTICE, PLEASE CALL:  
ATTORNEY Michael T. McKeever at the following telephone number:  
(215) 627-1322

5-60 (2) (Rev. 4/78)55

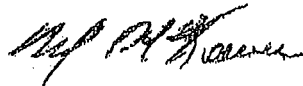
Case ID: 071100509

ASSESSMENT OF DAMAGES

TO THE PROTHONOTARY:

Kindly assess the damages in this case to be as follows:

Principal Balance	\$42,397.30
Interest from 11/01/2006 through 04/20/2009	\$9,317.66
Reasonable Attorney's Fee	\$2,119.87
Late Charges	\$541.14
Costs of Suit and Title Search	\$900.00
Escrow Payments Due 16 X \$18.66	\$298.56
Escrow Advance	\$5,631.03
Property Inspection	\$161.25
Expense Advances	\$997.98
Corporate Advance	\$400.00
	<hr/>
	\$62,764.79



---

GOLDBECK McCAFFERTY & McKEEVER  
BY: Michael T. McKeever  
Attorney for Plaintiff

AND NOW, this            day of            , 2009 damages are assessed as above.

---

Pro Prothy

### VERIFICATION OF NON-MILITARY SERVICE

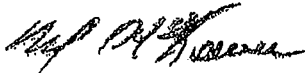
The undersigned, as the representative for the Plaintiff corporation within named do hereby verify that I am authorized to make this verification on behalf of the Plaintiff corporation and that the facts set forth in the foregoing verification of Non-Military Service are true and correct to the best of my knowledge, information and belief. I understand that false statements therein are made subject to penalties of 18 Pa. C.S. 4904 relating to unsworn falsification to authorities.

1. That the above named Defendant, LISA BUTTERLINE, is about unknown years of age, that Defendant's last known residence is 2713 East Huntington Street Philadelphia, PA 19125, and is engaged in the unknown business located at unknown address.

2. That Defendant is not in the Military or Naval Service of the United States or its Allies, or otherwise within the provisions of the Soldiers' and Sailors' Civil Relief Action of Congress of 1940 and its Amendments.

Date:

4/20/09

A handwritten signature in dark ink, appearing to read "M. P. H. H. H.", is written above a horizontal line.

### VERIFICATION OF NON-MILITARY SERVICE

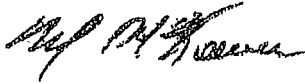
The undersigned, as the representative for the Plaintiff corporation within named do hereby verify that I am authorized to make this verification on behalf of the Plaintiff corporation and that the facts set forth in the foregoing verification of Non-Military Service are true and correct to the best of my knowledge, information and belief. I understand that false statements therein are made subject to penalties of 18 Pa. C.S. 4904 relating to unsworn falsification to authorities.

1. That the above named Defendant, MARK S. BUTTERLINE, is about unknown years of age, that Defendant's last known residence is 2713 East Huntington Street Philadelphia, PA 19125, and is engaged in the unknown business located at unknown address.

2. That Defendant is not in the Military or Naval Service of the United States or its Allies, or otherwise within the provisions of the Soldiers' and Sailors' Civil Relief Action of Congress of 1940 and its Amendments.

Date:

4/22/09



55530FC

THIS LAW FIRM IS A DEBT COLLECTOR AND WE ARE ATTEMPTING TO COLLECT A  
DEBT OWED TO OUR CLIENT. ANY INFORMATION OBTAINED FROM YOU WILL BE USED  
FOR THE PURPOSE OF COLLECTING THE DEBT.

DATE OF THIS NOTICE: November 29, 2007

TO:

LISA BUTTERLINE  
2713 East Huntington Street  
Philadelphia, PA 19125

THE BANK OF NEW YORK TRUST COMPANY, N.A., AS  
SUCCESSOR TO JPMORGAN CHASE BANK, N.A., AS  
TRUSTEE  
3451 Hammond Avenue  
Suite 150  
Waterloo, IA 50702

*Plaintiff*

vs.

LISA BUTTERLINE  
MARK S. BUTTERLINE  
(Mortgagor(s) and Record Owner(s))  
2713 East Huntington Street  
Philadelphia, PA 19125

*Defendant(s)*

In the Court of  
Common Pleas  
of Philadelphia County

CIVIL ACTION - LAW

Action of  
Mortgage Foreclosure

NOVEMBER 2007 Term  
No. 000509

TO: LISA BUTTERLINE  
2713 East Huntington Street  
Philadelphia, PA 19125

**IMPORTANT NOTICE**

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY  
OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET  
FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN (10) DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT  
MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER  
IMPORTANT RIGHTS. YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A  
LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH  
INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE  
ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE  
PERSONS AT A REDUCED FEE OR NO FEE.

COMMUNITY LEGAL SERVICES, INC.  
Law Center North Central  
3638 North Broad Street  
Philadelphia, PA 19140  
215-227-2400 or 215-981-3700  
PHILADELPHIA BAR ASSOCIATION  
One Reading Center  
Philadelphia, PA 19104  
215-238-6333

**Joseph A. Goldbeck, Jr**  
**GOLDBECK McCAFFERTY & McKEEVER**  
BY: Joseph A. Goldbeck, Jr., Esq.  
Attorney for Plaintiff  
Suite 5000 - 701 Market Street.  
Philadelphia, PA 19106 215-825-6318

Case ID: 071100509

55530FC

THIS LAW FIRM IS A DEBT COLLECTOR AND WE ARE ATTEMPTING TO COLLECT A  
DEBT OWED TO OUR CLIENT. ANY INFORMATION OBTAINED FROM YOU WILL BE USED  
FOR THE PURPOSE OF COLLECTING THE DEBT.

DATE OF THIS NOTICE: November 29, 2007

TO:

MARK S. BUTTERLINE  
2713 East Huntington Street  
Philadelphia, PA 19125

THE BANK OF NEW YORK TRUST COMPANY, N.A., AS  
SUCCESSOR TO JPMORGAN CHASE BANK, N.A., AS  
TRUSTEE  
3451 Hammond Avenue  
Suite 150  
Waterloo, IA 50702

*Plaintiff*

vs.

LISA BUTTERLINE  
MARK S. BUTTERLINE  
(Mortgagor(s) and Record Owner(s))  
2713 East Huntington Street  
Philadelphia, PA 19125

*Defendant(s)*

In the Court of  
Common Pleas  
of Philadelphia County

CIVIL ACTION - LAW

Action of  
Mortgage Foreclosure

NOVEMBER 2007 Term  
No. 000509

TO:

MARK S. BUTTERLINE  
2713 East Huntington Street  
Philadelphia, PA 19125

**IMPORTANT NOTICE**

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215-238-6333

**Joseph A. Goldbeck, Jr**  
**GOLDBECK McCAFFERTY & McKEEVER**  
BY: Joseph A. Goldbeck, Jr., Esq.  
Attorney for Plaintiff  
Suite 5000 -- 701 Market Street.  
Philadelphia, PA 19106 215-825-6318

Case ID: 071100509





Form CP 45

Mortgage Foreclosure  
Ground Rent (rem)

GOLDBECK McCAFFERTY & McKEEVER  
Attorney for Plaintiff  
Suite 5000 - Mellon Independence Center  
701 Market Street  
Philadelphia, PA 19106  
(215) 627-1322

# Commonwealth of Pennsylvania

COUNTY OF PHILADELPHIA

THE BANK OF NEW YORK TRUST COMPANY,  
N.A., AS SUCCESSOR TO JPMORGAN CHASE  
BANK, N.A., AS TRUSTEE  
3451 Hammond Avenue  
Suite 150  
Waterloo, IA 50702  
Plaintiff

vs.

LISA BUTTERLINE  
MARK S. BUTTERLINE  
Mortgagor(s) and  
Real Owner(s)  
2713 East Huntington Street  
Philadelphia, PA 19125  
Defendant(s)

COURT OF COMMON PLEAS

Term

No. 071100509

## WRIT OF EXECUTION

THIS LAW FIRM IS A DEBT COLLECTOR AND WE ARE ATTEMPTING TO COLLECT A  
DEBT OWED TO OUR CLIENT. ANY INFORMATION OBTAINED FROM YOU WILL BE  
USED FOR THE PURPOSE OF COLLECTING THE DEBT.

TO THE SHERIFF OF PHILADELPHIA COUNTY:

To satisfy the judgment, interest and costs in the above matter you are directed to levy upon and sell the following  
described property:

PREMISES: 2713 East Huntington Street, Philadelphia, PA 19125

See Exhibit "A" attached

AMOUNT DUE

\$62,764.79

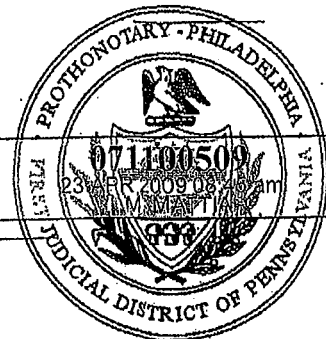
Interest From 04/21/2009 Through Date of Sale

(Costs to be added)

JOSEPH H. EVERS, Prothonotary

By \_\_\_\_\_

Date \_\_\_\_\_



5-82 (Rev. 1/80)

Case ID: 071100509

Term  
No. 071100509

IN THE COURT OF COMMON PLEAS

THE BANK OF NEW YORK TRUST COMPANY, N.A., AS  
SUCCESSOR TO JPMORGAN CHASE BANK, N.A., AS  
TRUSTEE

VS.

LISA BUTTERLINE  
MARK S. BUTTERLINE  
Mortgagor(s) and  
Record Owner(s)  
2713 East Huntington Street  
Philadelphia, PA 19125

WRIT OF EXECUTION  
(Mortgage Foreclosure)

REAL DEBT	\$62,764.79
INTEREST from	\$
COSTS PAID:	
PROTHY	\$
SHERIFF	\$
STATUTORY	\$
COSTS DUE PROTHY	\$
Office of Judicial Support	
Judg. Fee	
Ct.	
Sat.	

PREMISES:

2713 East Huntington Street  
Philadelphia, PA 19125

Michael T. McKeever  
Attorney for Plaintiff  
Suite 5000 – Mellon Independence Center  
701 Market Street  
Philadelphia, PA 19106  
(215) 627-1322

WRIT OF

NO.

Location: 2713 East Huntington Street Philadelphia, PA 19125

WARD 18th ward

Approximate Size: 1190 square feet

BRT#: 31416640

Improvements: Residential Property

Subject to Mortgage: No

Subject to Rent: No

C.P. No.: Term, No. 071100509

Judgment: \$62,764.79

Attorney: Michael T. McKeever

To be sold as the property of: LISA BUTTERLINE and MARK S. BUTTERLINE

Sheriff of Philadelphia County  
JOHN GREEN

ALL THAT CERTAIN lot or piece of ground with the buildings and improvements thereon erected, Situate on the northeasterly side of Huntingdon Street at the distance of 107 feet Northwestwardly from the northwesterly side of Salmon Street in the 31<sup>st</sup> formerly part of the 18<sup>th</sup> Ward of the City of Philadelphia.

CONTAINING in front or breadth on the said Huntingdon Street 17 feet and extending of that width in length or depth Northeastwardly between lines parallel with said Salmon Street, 70 feet.

BEING known as No. 2713 E. Huntingdon Street.

PLOT/PLAN NO. 20NB-150      BOARD OF REVISION NO. 31-4-166400. 31<sup>ST</sup>  
WARD

BEING the same premises which Lisa Butterline, by Indenture dated December 9, 1997 and recorded in the Office of the Recorder of Deeds in and for the County of Philadelphia in Deed Book JTD 538 page 52, granted and conveyed unto Lisa Butterline and Mark S. Butterline, husband and wife.

# EXHIBIT B

PRAECIPE FOR WRIT OF EXECUTION - (MORTGAGE FORECLOSURE)  
P.R.C.P 3180-3183

GOLDBECK McCAFFERTY & McKEEVER

BY: Michael T. McKeever

Attorney I.D.#56129

Suite 5000 - Mellon Independence Center

701 Market Street

Philadelphia, PA 19106

215-627-1322

Attorney for Plaintiff



THE BANK OF NEW YORK TRUST COMPANY,  
N.A., AS SUCCESSOR TO JPMORGAN CHASE  
BANK, N.A., AS TRUSTEE  
3451 Hammond Avenue  
Suite 150  
Waterloo, IA 50702  
Plaintiff

vs.

LISA BUTTERLINE  
MARK S. BUTTERLINE  
Mortgagor(s) and  
Record Owner(s)

2713 East Huntington Street  
Philadelphia, PA 19125  
Defendant(s)

IN THE COURT OF COMMON PLEAS

of Philadelphia County

CIVIL ACTION - LAW

ACTION OF MORTGAGE FORECLOSURE

Term

No. 071100509

PRAECIPE FOR WRIT OF EXECUTION

TO THE PROTHONOTARY:

Issue Writ of Execution in the above matter:

Amount Due

\$62,764.79

Interest from 04/21/2009 to Date of  
Sale at 8.90%

(Costs to be added)

GOLDBECK McCAFFERTY & McKEEVER

BY: Michael T. McKeever

Attorney for Plaintiff

Case ID: 071100509

Form CP 45

Mortgage Foreclosure  
Ground Rent (reim)

GOLDBECK McCAFFERTY & McKEEVER  
Attorney for Plaintiff  
Suite 5000 - Mellon Independence Center  
701 Market Street  
Philadelphia, PA 19106  
(215) 627-1322

# Commonwealth of Pennsylvania

COUNTY OF PHILADELPHIA

THE BANK OF NEW YORK TRUST COMPANY,  
N.A., AS SUCCESSOR TO JPMORGAN CHASE  
BANK, N.A., AS TRUSTEE  
3451 Hammond Avenue  
Suite 150  
Waterloo, IA 50702  
Plaintiff

vs.

LISA BUTTERLINE  
MARK S. BUTTERLINE  
Mortgagor(s) and  
Real Owner(s)  
2713 East Huntington Street  
Philadelphia, PA 19125  
Defendant(s)

COURT OF COMMON PLEAS

Term

No. 071100509

## WRIT OF EXECUTION

**THIS LAW FIRM IS A DEBT COLLECTOR AND WE ARE ATTEMPTING TO COLLECT A DEBT OWED TO OUR CLIENT. ANY INFORMATION OBTAINED FROM YOU WILL BE USED FOR THE PURPOSE OF COLLECTING THE DEBT.**

TO THE SHERIFF OF PHILADELPHIA COUNTY:

To satisfy the judgment, interest and costs in the above matter you are directed to levy upon and sell the following described property:

PREMISES: 2713 East Huntington Street, Philadelphia, PA 19125

See Exhibit "A" attached

AMOUNT DUE

\$62,764.79

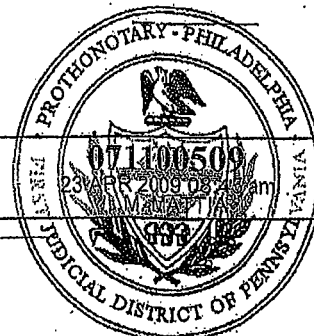
Interest From 04/21/2009 Through Date of Sale

(Costs to be added)

JOSEPH H. EVERS, Prothonotary

By \_\_\_\_\_

Date \_\_\_\_\_





Term

No. 071100509

IN THE COURT OF COMMON PLEAS

THE BANK OF NEW YORK TRUST COMPANY, N.A., AS  
SUCCESSOR TO JPMORGAN CHASE BANK, N.A., AS  
TRUSTEE

vs.

LISA BUTTERLINE  
MARK S. BUTTERLINE  
Mortgagor(s) and  
Record Owner(s)  
2713 East Huntington Street  
Philadelphia, PA 19125

WRIT OF EXECUTION  
(Mortgage Foreclosure)

REAL DEBT	\$62,764.79
INTEREST from	\$
COSTS PAID:	\$
PROTHY	\$
SHERIFF	\$
STATUTORY	\$
COSTS DUE PROTHY	\$

Office of Judicial Support  
Judg. Fee  
Cr.  
Sat.

PREMISES:

2713 East Huntington Street  
Philadelphia, PA 19125

Michael T. McKeever  
Attorney for Plaintiff  
Suite 5000 – Mellon Independence Center  
701 Market Street  
Philadelphia, PA 19106  
(215) 627-1322

WRIT OF

NO.

Location: 2713 East Huntington Street Philadelphia, PA 19125

WARD 18th ward

Approximate Size: 1190 square feet

BRT#: 31416640

Improvements: Residential Property

Subject to Mortgage: No

Subject to Rent: No

C.P. No.: Term, No. 071100509

Judgment: \$62,764.79

Attorney: Michael T. McKeever

To be sold as the property of: LISA BUTTERLINE and MARK S. BUTTERLINE

Sheriff of Philadelphia County  
JOHN GREEN

ALL THAT CERTAIN lot or piece of ground with the buildings and improvements thereon erected, Situate on the northeasterly side of Huntingdon Street at the distance of 107 feet Northwestwardly from the northwesterly side of Salmon Street in the 31<sup>st</sup> formerly part of the 18<sup>th</sup> Ward of the City of Philadelphia.

CONTAINING in front or breadth on the said Huntingdon Street 17 feet and extending of that width in length or depth Northeastwardly between lines parallel with said Salmon Street, 70 feet.

BEING known as No. 2713 E. Huntingdon Street.

PLOT/PLAN NO. 20NB-150      BOARD OF REVISION NO. 31-4-166400. 31<sup>ST</sup>  
WARD

BEING the same premises which Lisa Butterline, by Indenture dated December 9, 1997 and recorded in the Office of the Recorder of Deeds in and for the County of Philadelphia in Deed Book JTD 538 page 52, granted and conveyed unto Lisa Butterline and Mark S. Butterline, husband and wife.

# EXHIBIT C



This Document Recorded  
10/31/2012 State RTT: 0.00  
02 32PM Local RTT: 1.857.00  
Doc Code: 05 Commissioner of Records, City of Philadelphia

52553909  
Page: 1 of 4  
10/31/2012 02 32PM

Doc Id: 52553909  
Receipt #: 1171117  
Rec Fee: 290.00

## Know all Men by these Presents

*THAT I, JEWELL WILLIAMS Sheriff of the County of Philadelphia and JOSEPH C. VIGNOLA  
Undersheriff of the County of Philadelphia in the Commonwealth of Pennsylvania, for and in  
consideration of the sum of (\$93,000.00) to me in hand paid, do hereby grant and convey to THE  
BANK OF NEW YORK MELLON TRUST COMPANY, N.A., AS TRUSTEE, F/K/A THE BANK  
OF NEW YORK TRUST COMPANY, N.A., AS TRUSTEE, AS SUCCESSOR TO JPMORGAN  
CHASE BANK N.A. AS TRUSTEE FOR RAAC 2005RP1.*

### DESCRIPTION

ALL THAT CERTAIN lot or piece of ground with the buildings and improvements thereon erected,  
Situate on the northeasterly side of Huntingdon Street at the distance of 107 feet Northwestwardly  
from the northwesterly side of Salmon Street in the 31<sup>st</sup> formerly part of the 18<sup>th</sup> Ward of the City of  
Philadelphia.

CONTAINING in front or breadth on the said Huntingdon Street 17 feet and extending of that width in  
length or depth Northeastwardly between lines parallel with said Salmon Street, 70 feet.

BEING known as No. 2713 E. Huntingdon Street.

PLOT/PLAN NO. 20NB-150 BOARD OF REVISION NO. 31-4-166400. 31<sup>ST</sup> WARD

BEING the same premises which Lisa Butterline, by Indenture dated December 9, 1997 and recorded in  
the Office of the Recorder of Deeds in and for the County of Philadelphia in Deed Book JTD 538 page  
52, granted and conveyed unto Lisa Butterline and Mark S. Butterline, husband and wife.

Property Address: 2713 East Huntingdon Street, Philadelphia, PA 19125

Case ID: 121102761

Case ID: 121102761

Control No.: 13090631



52553909

Page: 1 of 4  
10/31/2012 02 32PM

This Document Recorded  
10/31/2012 State RTT 0 00  
02 32PM Local RTT 1 497 80  
Doc Code DS Commissioner of Records City of Philadelphia  
Doc Id: 52553909  
Receipt #: 1171117  
Rec Fee 230 00

## Know all Men by these Presents

*THAT I, JEWELL WILLIAMS Sheriff of the County of Philadelphia and JOSEPH C. VIGNOLA Undersheriff of the County of Philadelphia in the Commonwealth of Pennsylvania, for and in consideration of the sum of (\$93,000.00) to me in hand paid, do hereby grant and convey to THE BANK OF NEW YORK MELLON TRUST COMPANY, N.A., AS TRUSTEE, F/K/A THE BANK OF NEW YORK TRUST COMPANY, N.A., AS TRUSTEE, AS SUCCESSOR TO JPMORGAN CHASE BANK N.A. AS TRUSTEE FOR RAAC 2005RP1*

### DESCRIPTION

ALL THAT CERTAIN lot or piece of ground with the buildings and improvements thereon erected, Situate on the northeasterly side of Huntingdon Street at the distance of 107 feet Northwestwardly from the northwesterly side of Salmon Street in the 31<sup>st</sup> formerly part of the 18<sup>th</sup> Ward of the City of Philadelphia.

CONTAINING in front or breadth on the said Huntingdon Street 17 feet and extending of that width in length or depth Northeastwardly between lines parallel with said Salmon Street, 70 feet.

BEING known as No. 2713 E. Huntingdon Street.

PLOT/PLAN NO. 20NB-150 BOARD OF REVISION NO. 31-4-166400. 31<sup>ST</sup> WARD

BEING the same premises which Lisa Butterline, by Indenture dated December 9, 1997 and recorded in the Office of the Recorder of Deeds in and for the County of Philadelphia in Deed Book JTD 538 page 52, granted and conveyed unto Lisa Butterline and Mark S. Butterline, husband and wife.

Property Address: 2713 East Huntingdon Street, Philadelphia, PA 19125

*The same having been sold to the said grantee, on November 01, 2011 after due advertisement, according to the law, under and by virtue of a Writ of Execution issued/Decree entered on July 13, 2011 out of the Court of Common Pleas as of 071100509 at the suit of*

THE BANK OF NEW YORK TRUST COMPANY, N.A., AS SUCCESSOR TO JPMORGAN  
CHASE BANK, N.A., AS TRUSTEE.

vs.

LISA BUTTERLINE  
MARK S. BUTTERLINE

In Witness whereof, I have hereunto affixed my signature, this 23<sup>rd</sup> day of July  
Anno Domini Two Thousand Twelve.

SEALED AND DELIVERED  
IN THE PRESENCE OF

Michael Greco

Jewell Williams, Sheriff

Orlando

By:

Joseph C. Vignola, Undersheriff

Commonwealth of Pennsylvania

County of Philadelphia

On this, this **JUL 23 2012**, *Joseph C. Vignola* personally appeared  
JEWELL WILLIAMS, BY HIS UNDERSHERIFF, Sheriff of the County  
of Philadelphia, Pennsylvania, known to me (or satisfactory proven) to be the person described in the foregoing  
instrument, and acknowledged that he/she executed the same in the capacity therein stated and for the purposes  
therein contained.

In Witness Whereof, I have set my hand and official seal.



*Stanley J. Chmielewski*  
Prothonotary  
PROTHONOTARY  
STANLEY J. CHMIELEWSKI  
DEPUTY PROTHONOTARY

Book No. 6  
Writ No. 363  
Control No. \_\_\_\_\_

**Deed = Poll**

JEWELL WILLIAMS, SHERIFF  
JOSEPH C. VIGNOLA, UNDERSHERIFF

TO

THE BANK OF NEW YORK MELLON TRUST  
COMPANY, N.A., AS TRUSTEE, F/K/A THE  
BANK OF NEW YORK TRUST COMPANY, N.A.  
AS TRUSTEE, AS SUCCESSOR TO JPMORGAN  
CHASE BANK N.A. AS TRUSTEE FOR RAVAC  
2005KP1

THE BANK OF NEW YORK TRUST COMPANY,  
N.A., AS SUCCESSOR TO JPMORGAN CHASE  
BANK, N.A., AS TRUSTEE

071100509

vs.

LISA BUTTERLINE  
MARK S. BUTTERLINE

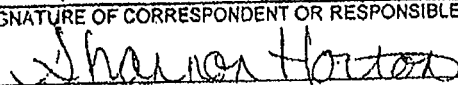
Premises: 2713 East Huntingdon Street Philadelphia,  
PA 19125

The Address of the above-named Grantee is  
3451 Hammond Avenue  
Suite 150  
Waterloo, IA 50702:

*Sharon H. H. H.*  
On behalf of the Grantee

KML Law Group, P.C.  
BNY Independence Center  
701 Market Street, Suite 5000  
Philadelphia, PA 19106



PHILADELPHIA REAL ESTATE		BOOK NO.	PAGE NO.
<b>TRANSFER TAX CERTIFICATION</b>		DATE RECORDED	
Complete each section and file in duplicate with Recorder of Deeds when (1) the full value/consideration is/is not set forth in the deed, (2) when the deed is without consideration, or by gift, or (3) a tax exemption is claimed. If more space is needed, attach additional sheet(s).		CITY TAX PAID	
<b>A. CORRESPONDENT - All inquiries may be directed to the following person:</b>			
NAME <b>KML LAW GROUP, P.C.</b>		TELEPHONE NUMBER <b>(215) 627-1322</b>	
STREET ADDRESS <b>SUITE 5000 BNY INDEPENDENCE CENTER 701 MARKET STREET</b>		CITY <b>Philadelphia</b>	STATE ZIP CODE <b>PA 19106</b>
<b>B. TRANSFER DATA</b>		DATE OF ACCEPTANCE OF DOCUMENT	
GRANTOR(S)/LESSOR(S) <b>SHERIFF OF PHILADELPHIA COUNTY</b>		GRANTEE(S)/LESSEE(S) <b>THE BANK OF NEW YORK MELLON TRUST COMPANY, N.A., AS TRUSTEE, FOR</b>	
STREET ADDRESS <b>Land Title Building, 100 South Broad Street, 5th Floor</b>		STREET ADDRESS <b>3451 Hammond Avenue, Suite 150</b>	
CITY <b>Philadelphia</b>	STATE <b>PA</b>	ZIP CODE <b>19110</b>	CITY STATE ZIP CODE <b>Waterloo IA 50702</b>
<b>C. PROPERTY LOCATION</b>			
STREET ADDRESS <b>2713 East Huntingdon Street</b>		CITY, TOWNSHIP, BOROUGH <b>Philadelphia - Philadelphia</b>	
COUNTY <b>Philadelphia</b>	SCHOOL DISTRICT	TAX PARCEL NUMBER <b>N/A</b>	
<b>D. VALUATION DATA</b>			
1. ACTUAL CASH CONSIDERATION <b>\$93,000.00</b>		2. OTHER CONSIDERATION <b>+ -0-</b>	
3. TOTAL CONSIDERATION <b>= \$93,000.00</b>		4. COUNTY ASSESSED VALUE <b>\$12,576.00</b>	
5. COMMON LEVEL RATIO FACTOR <b>X 3.97</b>		6. FAIR MARKET VALUE <b>= \$49,926.72</b>	
<b>E. EXEMPTION DATA</b>			
1A. AMOUNT OF EXEMPTION <b>0%</b>		1B. PERCENTAGE OF INTEREST CONVEYED <b>0%</b>	
<p>2. Check Appropriate Box Below for Exemption Claimed</p> <p><input type="checkbox"/> Will or Intestate succession _____ (NAME OF DECEDENT) (ESTATE FILE NUMBER)</p> <p><input type="checkbox"/> Transfer to Industrial Development Agency</p> <p><input type="checkbox"/> Transfer to agent or straw party (Attach copy of agency/straw party agreement.)</p> <p><input type="checkbox"/> Transfer between principal and agent. (Attach copy of agency/straw trust agreement.) Tax paid prior deed \$ _____</p> <p><input type="checkbox"/> Transfers to the Commonwealth, the United States, and instrumentalities by gift, dedication, condemnation or in lieu of condemnation (Attach copy of resolution.)</p> <p><input checked="" type="checkbox"/> Transfer from mortgagor to a holder of a mortgage in default Mortgage Book JTD 1923, Page 539 Assignment of Mortgage # doc-51854259 Mortgagee (grantor) sold property to Mortgagor (grantee)</p> <p><input type="checkbox"/> Corrective deed. (Attach copy of the prior deed).</p> <p><input type="checkbox"/> Other (Please explain exemption claimed, if other than listed above.) _____</p>			
Under penalties of law or ordinance, I declare that I have examined this Statement, including accompanying information, and to the best of my knowledge and belief, it is true, correct and complete.			
SIGNATURE OF CORRESPONDENT OR RESPONSIBLE PARTY 		DATE: July 13, 2012	

# EXHIBIT D

REAL ESTATE		TERMS DATE		STATUS	
				<b>SOLD</b>	
BOOK	WRIT	CASE#	COURT	TERM	NUMBER
61	363	60363	COMMON PLEAS	0711	0609
<div style="display: flex; justify-content: space-between;"> <div> <p>PLAINTIFF</p> <p>THE BANK OF NEW YORK TRUST COMPANY</p> </div> <div> <p>DEFENDANT</p> <p>LISA BUTTERLINE AND MARK S. BUTTERLINE</p> </div> </div>					
REAL DEBT	STREET ADDRESS		UNIT		
\$62,764.79	2713 EAST HUNTINGTON ST.		MULTI <input type="checkbox"/>		
ATTORNEY	GOLDBECK, MCCAFFERTY, MCKEEVER, ESQ.				New/Edit Attorney
FIRM	Goldbeck, McCafferty, McKeever				Sales Status Update
	111 S Independence Mall East Suite 500 Philadelphia PA 19106 (215) 627-1322				Comments
FIRM	Goldbeck, McCafferty, McKeever				
	111 S Independence Mall East Suite 500 Philadelphia PA 19106 (215) 627-1322				
FIRM	Goldbeck, McCafferty, McKeever				
	111 S Independence Mall East Suite 500 Philadelphia PA 19106 (215) 627-1322				

Sale Info: Plaintiff : \$93,000.00 : GOLDBECK

## Philadelphia Civil Process Current Data - [Case Ledger]

Civil Reports Edit Print Filter Help

Filter On/Off Clean Filter Search

## Case Ledger

Case #

Balance

\$172.69

10/28/2011	42210	Cardanis-Grant	Advertising	\$13.63
10/28/2011	42211	Cardanis-Grant	Advertising	\$13.63
11/1/2011	284022	GOLDBECK, MCCAFFERTY, MCKEEVE	Deposit At Sale (Succ. B	\$8,278.00
11/3/2011	42403	Marinucci's Deli	professional fee	\$1.59
11/21/2011	42789	Neighborhood Leader	Advertising	\$18.06
11/21/2011	42790	Cardanis-Grant	Advertising	\$3.19
11/30/2011	42934	Cardanis-Grant	Advertising	\$6.89
12/1/2011	42938	Cardanis-Grant	Advertising	\$6.66
12/1/2011	42939	Sun Communications	Advertising	\$37.74
12/2/2011	42990	FIRST DISTRICT PLAZA	Location	\$9.00
12/8/2011	43162	Legal Intelligencer ALM	Advertising	\$47.92
12/13/2011	43189	Smart Devine	Professional Fees	\$156.81
12/13/2011	43189V	Philadelphia - For Voided Check# 43189	Professional Fees	(\$156.81)
12/14/2011	43273	Smart Devine	Professional Fees	\$156.81
12/15/2011	43277	Legal Intelligencer ALM	Advertising	\$55.80
12/15/2011	43278	Cardanis-Grant	Advertising	\$8.56
12/15/2011	43279	Cardanis-Grant	Advertising	\$13.63
12/15/2011	43280	Legal Intelligencer ALM	Advertising	\$47.51
12/24/2011	43532	Cardanis-Grant	Advertising	\$8.38
12/24/2011	43708	Cardanis-Grant	Advertising	\$7.38
12/30/2011	43779	Ward	Advertising	\$41.82
1/6/2012	43916	City Line Abstract Company- Distribution F	Distribution Fee	\$667.50
4/5/2012	45811	FIRST DISTRICT PLAZA	Location	\$8.89
7/11/2012	298837	GOLDBECK, MCCAFFERTY, MCKEEVE	Balance On Sale	\$1,261.50
7/13/2012	299017	GOLDBECK, MCCAFFERTY, MCKEEVE	Additional Deposits	\$3,152.11
7/19/2012	50695	WATER REVENUE BUREAU- Water/Sew	Water Rents	\$5,603.63
7/19/2012	50706	Phila Gas Works -	POW	\$229.07
7/19/2012	50712	DEPARTMENT OF REVENUE - CITY TR	Commission	\$2,160.00
7/19/2012	50713	DEPARTMENT OF REVENUE - CITY TR	Conduct Proc	\$200.00
8/29/2012	301886	#Error	Adjustment	(\$1,261.50)
10/6/2012	53050	DEPARTMENT OF RECORDS-CITY TRA	City Transfer Tax	\$1,497.80
10/6/2012	53071	DEPARTMENT OF RECORDS-RECORD	Record Deed	\$230.00
10/6/2012	53074	Prothonotary	Acknow Deed	\$4.00
5/30/2013	59029	Scoop Usa	Advertising	\$19.12
6/10/2013	59094	Cardenas-Grant Communications	Advertising	\$3.37

Summary for Case # = 00893 (79 detail records)

Sum

\$13,243.11

\$13,073.42

Page: 11 of 172665

No Filter



DEPOSITS			
Check #	Date	Category	Amount
Adjustment	10/1/2007	Adjustment	\$116.00
206895	8/20/2011	Deposit With Writ	\$1,700.00
51623	11/1/2011	Deposit At Sale (Su	\$8,278.00
221802	7/11/2012	Balance On Sale	\$1,261.50
221824	7/13/2012	Additional Deposits	\$3,152.11
Adjustment	8/29/2012	Adjustment	(\$1,261.50)

ADVERTISING	
DATE	AMOUNT
	\$1,597.41
	\$64.20

POLICY#

DISTRIBUTION

REAL DEBT

\$62,764.79

Received:

AGENCY

93,000

21

<b>FEE</b>	Case#	Street Address	Unit	CLR
	180363	2741 EAST HUNTINGTON ST		5.53
Defendant: USA BUTTERLINE AND IVAR'S BUTTERLINE				

Assessment	Fair Market Value	Opening Bid	Purchase Price	
\$32,000.00	\$176,960.00	\$14,700.00	\$93,000.00	<input checked="" type="checkbox"/> Bidding

PLAINTIFF ☒ ASSIGNED ☐ STAYED ☐ THIRD PARTY ☐

Delinquent Real Estate Tax	\$0.00	Advertising	\$1,661.61
Current Real Estate Tax	\$0.00	Writ/Rec Proc	<input checked="" type="checkbox"/> \$100.00
Tax Lien Sale	\$0.00	Staying Sale	\$0.00
Water Rents	\$5,603.63	Conduct/Proc	<input checked="" type="checkbox"/> \$200.00
Nuisance Claim	\$0.00	Commission	\$2,160.00
Meter Install	\$0.00	Prothonotary 1	<input type="checkbox"/> \$0.00
City Transfer Tax	0.16590 \$5,308.80 <input checked="" type="checkbox"/>	Acknow. Deed	<input checked="" type="checkbox"/> \$4.00
State Transfer Tax	0.05530 \$0.00 <input type="checkbox"/>	Prothonotary 2	<input type="checkbox"/> \$0.00
Record Deed	3 \$230.00 <input checked="" type="checkbox"/>	City Attorney	<input type="checkbox"/> \$0.00
PGW	\$229.07	Deed Prepare	1 <input type="checkbox"/> \$0.00
		Recertification	0 \$0.00
Petition & Rule:	\$0.00	Distribution Polic	\$678.00
Search:	\$0.00	Condo Fees	\$0.00
		City Law Cost	\$0.00

Total Deposits	\$13,246.11
Attorney Refund	\$0.00
Total Charges	\$16,291.11
Policy Fund Distribution	\$0.00
Plaintiff Owes:	\$3,045.00
Account Balance	(\$3,045.00)

adjustment 10/1/2007	\$116.00
	\$0.00
	\$0.00
	\$0.00

# EXHIBIT E



City and County of Philadelphia  
Office of the Sheriff

Defendant Asset Recovery Team  
Land Title Building  
100 S Broad Street, 5<sup>th</sup> Floor  
Philadelphia, PA 19110  
(215) 686-3537/32 (Office) (215) 686-3554 (Fax)

Jewell Williams  
Sheriff

Lt. Monte' Guess  
D.A.R.T. Unit Supervisor

December 18, 2014

Mr. Daniel C. Levin, Esq.  
510 Walnut Street  
Suite 500  
Philadelphia, PA 19106

RE: Lisa Butterline and Mark S. Butterline  
2713 E. Huntingdon Street

Dear Mr. Levin:

The Defendant Asset Recovery Team (D.A.R.T.) received your inquiry for 2713 E. Huntingdon Street; that property was judicially sold at Sheriff Sale on November 1<sup>st</sup>, 2011. That property went to the attorney on the writ; when that is done the attorney for the bank only has to pay the pending cost (i.e. Sheriff's cost, transfer taxes, water). The bidding did reach \$93,000.00; but since the bank owns and won the bid, they would only pay cost. Because of this your clients are not due any monies from the Sheriff Sale.

This case is considered CLOSED.

I hope that I have been helpful; should you require any additional information; please feel free to contact this office at your earliest convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Lt. Monte' Guess", is written over the word "Sincerely,".

Lt. Monte' Guess

CC: FILE



# EXHIBIT F



City and County of Philadelphia  
Office of the Sheriff

Defendant Asset Recovery Team  
Land Title Building  
100 S Broad Street, 5<sup>th</sup> Floor  
Philadelphia, PA 19110  
(215) 686-3537/32 (Office) (215) 686-3554 (Fax)

Jewell Williams  
Sheriff

Lt. Monte' Guess  
D.A.R.T. Unit Supervisor

December 24, 2014

Mr. Daniel C. Levin  
510 Walnut Street  
Suite 500  
Philadelphia, PA 19106-3697

RE: Lisa Butterline & Mark S. Butterline  
2713 E. Huntingdon Street

Dear Mr. Levin:

The Defendant Asset Recovery Team (D.A.R.T.) is in receipt of your fax inquiring about payments made for the above property. All your questions should be directed to the law firm handling the foreclosure for the bank. The law firm will be able to give you a detailed breakdown of what was owed at the time of sale.

Goldbeck, McCafferty, McKeever, Esq.  
111 S Independence Mall East  
Suite 500  
Philadelphia, PA 19106  
215-627-1322

Again, when the Attorney on the writ wins the bid at Sheriff Sale they will not pay the amount the bid went to; they will only pay taxes, Sheriff Cost, water, Philadelphia Gas Works, etc.

Sincerely,

A handwritten signature in black ink, appearing to read "Lt. Monte' Guess", written over a horizontal line.

Lt. Monte Guess

CC: FILE